
Related Policies and Guidance

In addition to issuing policy and guidance documents that provide tools to manage CERCLA and RCRA liability risks, EPA has issued various policy and guidance documents that promote faster investigation, cleanup, and redevelopment of sites. Summarized below is just a small sampling of the many policy and guidance documents that may be helpful to parties interested in managing CERCLA and RCRA liability risks at brownfields and other sites.

Copies of the policy and guidance documents can be obtained from the Superfund and RCRA Hotline (800) 424-9346 or on EPA's web pages.

**Office of Site Remediation
Enforcement**

[www.epa.gov/compliance/
about/offices/osre.html](http://www.epa.gov/compliance/about/offices/osre.html)

Brownfields

www.epa.gov/brownfields

Office of Solid Waste

www.epa.gov/osw

Superfund

www.epa.gov/superfund

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CERCLA

CERCLA Orientation Manual

October 1992

The CERCLA Orientation Manual serves as a program orientation guide and reference document to the Comprehensive Environmental Response, Compensation, and Liability Act. The purpose of the manual is to assist EPA and state personnel involved with hazardous waste remediation, emergency response, and chemical and emergency preparedness. The organizational and operational components of the Superfund program also are described.

To order a hard copy:

National Center for Environmental Publications and Information
P.O. Box 42419
Cincinnati, OH 45242-2419
(513) 489-8190
Document number: EPA542-R-92-005

National Contingency Plan (40 CFR Part 300)

The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan (NCP), establishes a comprehensive process by which the federal government responds to both oil spills and hazardous substances. The NCP coordinates response efforts such as accident reporting, spill containment, cleanup, and personnel contacts.

To access on line:

www.epa.gov/oilspill/ncpover.htm

This Is Superfund - A Citizen's Guide to EPA's Superfund Program

“This is Superfund” introduces basic issues regarding the Superfund program. Topics addressed include how Superfund sites are discovered and who pays for and is involved in clean-ups. Key terms for understanding the Superfund program, such as potentially responsible party and National Priorities List are defined.

To order a hard copy:

National Center for Environmental Publications and Information
P.O. Box 42419
Cincinnati, OH 45242-2419
(513) 489-8190
Document number: EPA540-K-99-006

To access on line:

www.epa.gov/superfund/whatis/sfguide.htm

Community Reinvestment Act (CRA)

In 1997 Congress enacted the Community Reinvestment Act requiring lenders to make capital available in low- and moderate-income urban neighborhoods, thereby giving rise to concerns over potential environmental and financial liability for cleanups at sites by lenders, developers, and property owners. The Community Reinvestment Act establishes creative initiatives for economic development while easing fears of financial liability and regulatory burdens.

For further information contact:

Outreach and Special Projects Staff
(202) 260-4039

To access on line:

www.epa.gov/swerosps/bf/html-doc/cra.htm

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Partial Deletion of Sites Listed on the NPL

November 1, 1995

EPA deletes sites from the NPL with state concurrence when no further cleanup response is warranted under CERCLA. Historically, only entire sites could be deleted from the NPL. Under this policy, parties may submit petitions for partial deletions to EPA. Additionally, the policy gives EPA regional offices the flexibility to clarify which areas of NPL sites are considered uncontaminated due to the completion of proper investigation or cleanup actions.

Before a portion of a site can be considered for partial deletion from the NPL, it must meet the same deletion criteria that an entire site must meet. (See 40 CFR § 300.425).

For further information contact:

Office of Emergency and Remedial Response
(703) 603-8960

To access on line:

www.epa.gov/swerffrr/documents/fr110195.htm

Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions

May 3, 1995

The deferral guidance provides a framework for regional offices, states, and tribes to determine the most appropriate, effective, and efficient means to respond to hazardous waste sites. Implementation is flexible in order to account for the different capabilities of these acting parties.

For further information contact:

Office of Emergency and Remedial Response
(703) 603-8960

To access on line:

www.epa.gov/swerosps/bf/html-doc/deferral.htm

The NPL for Uncontrolled Hazardous Waste Sites; Listing and Deletion Policy for Federal Facilities

November 24, 1997

This document establishes an interim final revision to the Agency's policy on placing federal facility sites on the National Priorities List. The interim final policy revisions also apply to federal facility sites that are RCRA-regulated facilities engaged in treatment, storage, or disposal of hazardous waste.

For further information contact:

Federal Facilities Restoration and Reuse Office
(202) 260-9924

To access on line:

www.epa.gov/fedrgstr/EPA-WASTE/1997/November/Day-24/f30518.htm

Policy Towards Landowners and Transferees of Federal Facilities

June 13, 1997

This policy was created to address the potential liability concerns of non-federal parties who acquire federal facility property. Such acquisitions have become increasingly common with the reduction in size and number of federal facilities such as military bases. The intent of this policy is to alleviate uncertainty regarding potential enforcement action by EPA against landowners and transferees (i.e., lessees) of federal facility properties.

For further information contact:

Federal Facilities Restoration and Reuse Office
(202) 260-9924

To order a hard copy:

Superfund Docket Center at (703) 603-9232
the Superfund Hotline at (800) 424-9346,
or the National Technical Information Service (NTIS) at (800) 533-NTIS.

Related Policies and Guidances

EPA Guidance on the Transfer of Federal Property by Deed Before All Necessary Remedial Action Has Been Taken Pursuant to CERCLA Section 120(h)(3).

June 16, 1998

This guidance, referred to as the “Early Transfer Guidance,” describes EPA’s process in determining a federally-owned property’s suitability for transfer to a private party prior to the completion of all necessary cleanup action. Concurrence of a state’s governor is required.

For further information contact:

*Federal Facilities Restoration and Reuse Office
(202) 260-9924*

To access on line:

www.epa.gov/swerffrr/documents/hkfin.htm

Road Map to Understanding Innovative Technology Options for Brownfields Investigation and Cleanup

June 1997

The Road Map identifies potential technology options available at each of the basic phases involved in the characterization and cleanup of brownfields sites: site assessment, site investigation, cleanup options, and cleanup design and implementation. The Road Map is not a guidance document. Rather, each section describes the steps involved in the characterization and cleanup of brownfields sites and connects those steps with available technology options and supporting technology information resources. Appendices in the Road Map include a list of common contaminants found at typical brownfields sites, a detailed guide to common environmental terms and acronyms, and a list of state and EPA brownfields contacts.

For further information contact:

Technology Innovation Office
(703) 603-9910

To order a hard copy:

National Center for Environmental Publications and Information
P.O. Box 42419
Cincinnati, OH 45242-2419
Telephone: (513) 489-8190
Document number: EPA 542-B-97-002

To access on line:

Second edition available at www.clu-in.org/roadmap/

Tool Kit of Information Resources for Brownfields Investigation and Cleanup

June 1997

The Tool Kit provides abstracts and access information for a variety of relevant resources, including electronic databases and bulletin boards, newsletters, regulatory and policy guidance, and technical reports. The Tool Kit describes the resources identified in the Road Map, explains how to obtain the publications, and provides a “starter kit” of important information resources to help brownfield stakeholders understand available technology.

For further information contact:

Technology Innovation Office
(703) 603-9910

To order a hard copy:

National Center for Environmental Publications and Information
P.O. Box 42419
Cincinnati, OH 45242-2419
Telephone: (513) 489-8190
Document number: EPA 542-B-97-001

To access on line:

Second edition available at www.clu-in.org/roadmap/

Soil Screening Guidance: Fact Sheet

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May 17, 1996

EPA's Soil Screening Guidance helps standardize and accelerate the evaluation and cleanup of contaminated soils at NPL sites where future residential land use is anticipated. To help identify areas at sites on the NPL that need further investigation or that may be screened out from further consideration, the guidance provides a step-by-step methodology for determining levels of soil contamination. The Soil Screening Guidance can help speed up the investigation and cleanup of contaminated sites, save time and money and make sites available for redevelopment more quickly.

Documents related to the guidance include the Soil Screening Guidance User's Guide, Fact Sheet, and Technical Background Document.

For further information contact:

Office of Emergency and Remedial Response
(703) 603-8960

To access on line:

http://www.epa.gov/superfund/resources/soil/fact_sht.pdf

Land Use in the CERCLA Remedy Selection Process Description

May 1995

EPA's land use directive promotes early discussions with local land use planning authorities, local officials, and the public regarding reasonably anticipated future uses of the property on which a NPL site is located. The directive also encourages the use of realistic assumptions regarding future land use in the baseline risk assessment the development of remedial alternatives, and the CERCLA remedy selection process.

For further information:

Office of Emergency and Remedial Response
(703) 603-8960

To access on line:

www.epa.gov/swerosps/bf/pdf/land_use.pdf

Overview of Presumptive Remedies

Presumptive remedies are technologies or strategies that are preferred for use at sites with specific common characteristics. They have been developed to take advantage of Superfund's extensive experience in remediating complex hazardous waste sites. This experience has shown that certain remedies are generally appropriate for sites with specific common characteristics, e.g., type of contaminant present, type of previous industrial use, and environmental medium affected. Relying on presumptive remedies can streamline the site assessment, remedy selection, and RD/RA processes. EPA has developed presumptive remedy guidance for five types of site:

- Municipal landfills
- Volatile organic compounds ("VOCs") in soils
- Metals in soils
- Wood treatment
- Contaminated ground water

EPA has been using presumptive remedies since 1993. As of October 1997, presumptive remedies had been used or were being used at 48 Superfund sites accounting for more than 80 operable units. Using presumptive remedies has a number of advantages:

- **Saving time and money.** EPA estimates that municipal landfills implementing the presumptive remedy of containment, for example,

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experience time savings ranging from 36 to 56 percent, and cost savings of up to 60 percent from streamlining the remedial investigation/feasibility study process.

- **Promoting consistency in remedy selection.** Using similar remedies at similar types of sites saves time and allows cross-site comparisons, which help to refine remedy implementation.
- **Improving predictability in remedy selection.** When a presumptive remedy is proposed, interested parties can review previous actions at similar sites. This may increase their confidence in the proposed remedy and speed up remedy selection.
- **Workload reduction.** Implementation of presumptive remedies has been tried and tested, accelerating the process of screening and selecting remedies. Thus savings in time and money often may be achieved at the same time workloads are reduced.
- **Expert support.** RPMs can access presumptive remedy experts who can provide information and support during remedy implementation.
- **NCP compliance.** Use of presumptive remedies advances NCP remedy selection objectives by promoting consistency in remedy screening and selection.

Relying on presumptive remedies is EPA policy. EPA guidance states that presumptive remedies are to be used at all appropri-

ate sites, except under unusual, site-specific circumstances. This means that RPMs working at the types of sites listed above should always investigate the possibility of implementing a presumptive remedy.

For more information contact:

Office of Emergency and Remedial Response
(703) 603-8960

To access on line:

<http://www.epa.gov/superfund/resources/presump>

Methodology for Early De Minimis Waste Contributor Settlements under CERCLA Section 122(g)(1)(A)

June 2, 1992

Under CERCLA section 122(g)(1)(A), EPA is authorized to enter into settlements with minor waste contributors *de minimis* parties of a site when practicable and in the public interest. This policy provides guidance for early consideration and proposals of such *de minimis* settlements, including the methodology to facilitate settlement, and procedures for identifying early *de minimis* candidates.

For further information contact:

Office of Site Remediation Enforcement
(202) 564-5100

To access on line:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/demin-sec122-rpt.pdf>

Policy for Municipality and Municipal Solid

Related Policies and Guidances

Waste CERCLA Settlements at NPL Co-Disposal Sites

February 5, 1998

This policy supplements the Interim Policy on CERCLA Settlements Involving Municipalities and Municipal Waste issued September 30, 1989. Under this policy, EPA continues the practice of generally not identifying generators and transporters of municipal solid waste as potentially responsible parties at NPL sites. The policy identifies a settlement methodology for making settlements to MSW generators and transporters seeking to resolve liability. It also identifies a presumptive settlement range for municipal owners and operators of co-disposal sites on the NPL seeking to settle their Superfund liability.

For further information contact:

Office of Site Remediation Enforcement
(202) 564-5100

To access on line:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/munic-solwst-mem.pdf>

General Policy on Superfund Ability to Pay Determinations

September 30, 1997

The Superfund ability to pay (ATP) policy document explains what is necessary for an acceptable ability to pay settlement in Superfund cases. The main text of the policy document addresses general issues that apply to the ATP process and ATP settlements. The policy document also contains two appendices that address issues specific to making ATP determinations for individuals and businesses.

The policy document establishes an “undue financial hardship”

standard for determining a party's ability to pay its share of Superfund clean up costs and uses a two-part analysis to determine what is an acceptable ATP settlement amount.

This policy is intended to apply outside of a formal bankruptcy context because the bankruptcy laws provide other mechanism to protect debtors from undue financial hardship or to allow viable business to reorganize.

For further information contact:

Office of Site Remediation Enforcement
(202) 564-5100

To access on line:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/genpol-atp-rpt.pdf>

Fact Sheet: Revised De Micromis Guidance

June 4, 1996

This fact sheet describes EPA's efforts in reducing transaction costs for very small volume contributors (de micromis parties). It outlines cut-off ranges considered in assessing a party's waste contribution and also discusses additional reference documents that may be of interest to de micromis parties.

For further information contact:

Office of Site Remediation Enforcement
(202) 564-5100

To access on line:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/fs-demicromis-rpt.pdf>

Streamlined Approach for Settlements With De

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Minimis Waste Contributors under CERCLA Section 122(g)(1)(A)

July 30, 1993

This guidance encourages EPA regional offices to take a more active role in facilitating *de minimis* settlements by establishing minimum levels of information necessary before considering a *de minimis* settlement, and providing a methodology for payment.

For further information contact:

Office of Site Remediation Enforcement
(202) 564-510

To access on line:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/app-deminimis-rpt.pdf>

Advance Notice of Proposed Rulemaking: Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities

May 1, 1996

The action proposed in this Notice (ANPR) was a key step in EPA's effort to improve the RCRA corrective action program. The ANPR introduced EPA's strategy to develop corrective action issues; provided a status report on the successes of the program; and emphasized areas of flexibility within current corrective action implementation. The ANPR encourages and describes tools that create a consistent holistic approach to clean up at RCRA facilities; establishes protective, practical clean up expectations; shifts more of the responsibilities to achieve clean up on those responsible for the contamination; streamlines corrective action and reduces cost; and enhances opportunities for timely, meaningful public participation. In addition, the ANPR serves as the primary guidance document

for the RCRA corrective action program.

For further information contact:

Office of Solid Waste
(703) 308-8404
Office of Site Remediation Enforcement
(202) 564-5100

To access on line:

http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/gen_ca/anpr.htm

RCRA Expanded Public Participation Rule 60 FR 63417

December 1995

EPA developed the RCRA Expanded Public Participation Rule to empower communities to become more actively involved in local hazardous waste management. This rule makes it easier for citizens to become involved earlier and more often in the process of permitting hazardous waste facilities. It also expands public access to information about facilities. As a result, the rule enables communities to become more active participants in important local environmental decisions.

The RCRA Expanded Public Participation Rule also helps facilities. Earlier participation can eliminate confusion or delays in the permitting process that can occur when the public is not involved until much later. This helps ensure that the permitting process moves forward in a timely manner. By fostering better relationships with communities, the rule also can help improve facilities' images and reduce potential conflict. In addition, citizens are often able to provide valuable information regarding local conditions for facilities to consider in developing their permit applications. Furthermore, the rule is very flexible--it identifies the basic requirements needed to satisfy EPA's public participation goals and recommends

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additional activities that facilities might conduct.

For further information contact:

Office of Solid Waste

(703) 308-8404

To access on line:

<http://www.epa.gov/epaoswer/hazwaste/permit/pubpart/manual.htm>

Corrective Action Oversight

February 7, 1992

Oversight in general is the management of all activities related to corrective action at a site. The oversight approach discussed in this guidance encourages project managers and owners/operators to develop a plan that allows for the appropriate level of oversight rather than a pre-determined “one size fits all” process. The guidance emphasizes that the project manager should base the oversight plan on facility-specific conditions and owner/operator capabilities and develop an appropriate level of oversight that will ensure timely, efficient, and protective cleanups.

For further information contact:

Office of Site Remediation Enforcement

(202) 564-5100

To access on line:

<http://www.epa.gov/Compliance/about/offices/osre.html>

The RCRA Public Participation Manual

EPA designed this document as a "user's manual." It explains how public participation works in the RCRA permitting process (including corrective action), and how citizens, regulators, and industry can cooperate to make it work better. It also describes a wide assortment of activities to enhance public participation, and includes several appendices that provide lists of contacts, sources of information, and examples of public participation

tools and activities. The 1996 RCRA Public Participation Manual supersedes the 1993 RCRA Public Involvement Manual.

For further information contact:

Office of Solid Waste
(703) 308-8404

To access on line:

<http://www.epa.gov/epaoswer/hazwaste/permit/pubpart/manual.html>

The Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action

The *Handbook of Groundwater Protection* contains the Environmental Protection Agency's (EPA's) latest interpretation of policies on such topics as cleanup goals, the role of groundwater use, point of compliance, source control, and monitored natural attenuation. This *Handbook* ties 15 different topics together with an overall Groundwater Protection and Cleanup Strategy that emphasizes a phased, results-based approach to cleaning up contaminated groundwater.

For further information contact:

Office of Solid Waste
(703) 308-8404

To access online:

<http://www.epa.gov/correctiveaction/resource/guidance/gw/gwhandbk/gwhbfinl.pdf>